

THE
COAL AND IRON MINES,
AND THE
UNION POTOMAC COMPANY,
(INCORPORATED BY VIRGINIA,)
AND OF THE
UNION COMPANY,
(INCORPORATED BY MARYLAND,)
COMPRISING UPWARDS OF
FIFTY-SIX THOUSAND ACRES OF LAND,
SITUATE IN
ALLEGHANY COUNTY, MARYLAND,
AND IN
HAMPSHIRE COUNTY, VIRGINIA.

BALTIMORE:
PRINTED BY JOHN MURPHY,
146 MARKET STREET.
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1840.

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PROSPECTUS.

To PROVIDE a continuos navigation between the waters of the Chesapeake Bay and the Ohio river, by the Potomac route; and, especially, to develope the inexhaustible Coal and Iron Mines of the Alleghany region, through which that route passes, the Congress of the United States, and the Legislature of Virginia, Maryland and Pennsylvania, in the years 1824,—5, and 6, incorporated a company with power to construct the Chesapeake and Ohio Canal in three sections, the eastern-most of which extends from tide water at Georgetown, up the Potomac river to Cumberland, the distance being about 190 miles: and in accordance with their design, the Congress of the United States subsequently authorised an extension of said Canal, from Georgetown down the valley of the Potomac river, about Ten Miles, to Alexandria; and the State of Maryland likewise authorized its being extended by the Maryland Canal Company to the City of Baltimore, the distance being about 40 miles.

Towards the construction of the said section of the Chesapeake and Ohio Canal, the Government of the United States, the Cities in the District of Columbia, the Government of Virginia, and individuals have

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contributed, by subscriptions for Capital Stock, upwards of Three Millions of Dollars :—and the State of Maryland has, in like mode, contributed about Five Millions of Dollars; and by a Loan secured by the Mortgage of the whole work, Two Millions of Dollars, or, together, Seven Millions of Dollars—making in all, an aggregate sum of Ten Millions of Dollars.

With these means the eastern section of the Chesapeake and Ohio Canal has been constructed and the navigation opened, from tide water at Georgetown, the distance of 140 Miles—to a point 5 miles above Dam No. 6, which is 10 miles above, or West of Hancock ; and to reach Cumberland, there yet remain about 50 miles more, to be completed ; but of this, extensive and costly portions are now being executed, so that the whole may be completed by the spring of 1842.

Until the Canal reaches Cumberland, where it will be connected with the Coal Mines by short rail roads and other ways the very large investments of Capital already expended on that work, must remain so unproductive, that the State of Maryland, as its chief proprietor, will find it absolutely necessary to provide the means required to finish the Eastern Section, as soon as practicable.

And there is good reason to believe that when these means shall be provided, funds will be appropriated to extend the work simultaneously to Baltimore ; as the right to use the summit waters, being *both branches of the Patuxent river*, for that purpose, has

vested in the Maryland Canal Company, whose Stockholders have offered to assign their privileges to the Corporation of Baltimore; and if the City declines their offer, the liberal privileges of that charter will certainly command capital adequate for this enterprise; because, soon after the Chesapeake and Ohio Canal shall be connected with the Coal Field near to Cumberland, there will undoubtedly pass on that work and through the Maryland Canal to Baltimore, independently of other tonnage, several millions of tons of Coal, annually—and if the moderate rate of but one half cent, per ton, per mile, on Coal, be collected—and this only on one million of tons, it would yield to the Maryland Canal Company, for forty miles, two hundred thousand dollars; being more than six per cent. on three millions of dollars—the estimated cost of the Maryland Canal, as computed by civil engineers in the service, and acting under the government of the United States, and therefore known to be ample and correct.

Some time in the winter of 1835—6, when it was believed that the State of Maryland would grant, as it did in June, 1836—such further aid as was then deemed necessary and sufficient to complete the Eastern Section of the Chesapeake and Ohio Canal—applications were made by Duff Green, to the Legislatures of Virginia and Maryland for acts of incorporation, to form Joint Stock Companies for the purpose of extensively working Coal and Iron mines situate

in Hampshire County, Virginia, and in Alleghany County, Maryland; for which mines, he originally made provisional contracts with their Proprietors, at prices so moderate, that other parties may become interested in the enterprise upon terms most advantageous to them.

The Legislature of these States, anxious to favour and secure the extension and economical working of said mines, granted the desired Charters—which conferred upon the Union Potomac Company, incorporated by Virginia—and the Union Company incorporated by Maryland, ample power to connect said mines which centre near Westernport, by means of Rail Roads, or Canal and Slack-water navigation, with the Chesapeake and Ohio Canal, and the Baltimore and Ohio Rail Road: and also granted various other liberal and most valuable corporate privileges as is hereinafter mentioned.

The accompanying Map shows the location of the lands, which chiefly lie within the diagram formed by broken lines, and the Sections show the veins of ore and coal, near to Westernport, as verified by Major Douglass, late Professor of Civil Engineering at West Point, as will be seen by reference to extracts from his report, given at the conclusion of this Prospectus. The scale of this section, being about 200 feet to the inch, is too small to represent the coal measures accurately—the thickness of each vein is, therefore, given on a scale of about 50 feet to the inch, and a *relative* proportion preserved in the drawing.

The Union Potomac Company chartered by the State of Virginia, may hold forty thousand acres of land ; and estate, real, personal and mixed; with the privilege to use, lease, sell, or otherwise dispose thereof; and in addition to the stock representing their lands, may have a cash capital of three millions of dollars.

This Company may construct a canal or slack water navigation from Cumberland to the mouth of Savage river, and has the right to use or sell all the water privileges, thus created. They can erect and carry on mills and manufactories of all kinds. They may borrow money, issue their bonds therefor, and dispose of the money thus borrowed, as they deem expedient. They are authorised to connect their mines and manufactories with the Chesapeake and Ohio Canal, and the Baltimore and Ohio Rail Road, and with any other Rail Road or Rail Roads which now are, or hereafter may be authorised by the State of Virginia; and can charge a rate of tolls on their Canal and Rail Road, yielding them fifteen per cent. profit. They have liberal grants for the condemnation of lands, materials, &c. The charter is perpetual ; but so much as relates to the construction and working of mills and manufactories, and Coal and Iron mines, shall continue in force for fifty years ; and may be altered, repealed, and modified after thirty years.

The *Union Company* was chartered by Maryland with the right to hold a capital of Three millions of

dollars ;—to purchase thirty thousand acres of land, and to create a trust fund of Two millions of dollars more, which may be invested in public securities of the United States, or of either of the United States, in real estate, in the stock of some other incorporated Company, or in bonds or notes secured by a pledge of of real estate.

This Company has the power to make Insurance on lives or other casualties ; to receive endowments or deposits of personal or mixed property in Trust ; to grant annuities ; to contract for reversionary payments ; to make all kinds of contracts in which the casualties of life, or the interest of money are concerned ; to acquire and dispose of goods and effects ; to provide for the investment of the funds of the Company in bonds and mortgages, or in such manner as they may deem most beneficial. This charter is perpetual ; but so much as relates to the establishment and working of mills, mines or manufactories, and the Trust powers may be modified or repealed after thirty years.

These Companies being duly organised, and authorised so to do, have formed a compact of union ; whereby the shareholders are alike interested in both Companies, and hold the like number of shares in each.

These Companies, thus united, have purchased upwards of fifty-six thousand acres of land, a large part thereof containing coal and iron ore ; a part of which,

of an average quality and value, has been estimated under oath by Professors Renwick, Ducatel, and Kinsey, at one hundred dollars per acre, considered as part of the stock of a Company with Capital sufficient to open and work the mines.

These lands border on the National Turnpike, about seven miles west of Cumberland, and extend south, crossing the Potomac a few miles below Westernport, and thence extending up on both sides of the Potomac, about five miles above Savage river.

It may be proper to add the following disinterested testimony in relation to the quality and value of the Ores and Coals on these lands, taken from official and other documents.

Lieutenant Wm. Y. Lynch, of the U. S. Navy, in a letter to the Hon. Wm. Cost Johnson, published in a report to Congress, Doc. H. Rep. No. 168, says,— That “*one ton of Cumberland Coal, is, in mechanical effect, equal to two tons of Anthracite.*” John M’Pherson Brien, the proprietor of the Antietam iron works, in a letter published in the same document, dated Feb. 1836, speaking of Cumberland coal in the manufacture of iron, says: “We have made a fair experiment of this Coal with the Richmond, and find it to be a much superior article. One bushel of Cumberland Coal is worth two of Richmond, or any other we have used.”

The importance of the mines in the neighborhood of Westernport, as a source of profit to the Chesa-

peake and Ohio Canal has always been urged by the engineers and agents of that company. We give a few extracts from the remarks of A. Cruger and Judge Roberts, two of said engineers. See Mr. Mercer's report to the House of Representatives of the U. States in 1834, Doc. No. 414, Appendix.

Extract from A. Cruger's remarks, Sept. 1829.

"Coal, which constitutes the great source of wealth of this region, may be said to be inexhaustible. The vast and increasing importance of this mineral, as a necessary article of fuel, as well as from its peculiar application to manufactures, renders its use indispensable, and makes it desirable that every facility should be given to its distribution.

"By an inspection of the accompanying maps, it will be perceived that Savage river, forcing a passage through Savage mountain, unites itself with the North Branch; after having formed this junction, and receiving George's creek, they collectively force their way through Dan's mountain. It is where these disruptions of the mountains have occurred, that coal is observable on their faces. *With the mouth of Savage as a centre, and a radius of 5 or 6 miles, a circle could be described, comprising what may be termed the heart of the coal district.** The sides of the mountain, in several instances, present a declivity so abrupt,

* Here, the Union Company and Union Potomac Company own lands, binding on both sides of the Potomac, from 8 to 9 miles.

that coal may, by the intermediate use of a slide, be thrown directly from the bed, into boats lying in the canal or river.

"From the base, to the summit of these mountains, four distinct and separate veins of coal are observable, one of 2 feet 10 inches, one of 6 feet, and one from 10 to 14 feet, increasing in thickness as they ascend; the highest is 950 feet above the mouth of Savage, and 1,272 above Cumberland. This upper vein has been opened in several instances on the different mountains, and discovers itself in numerous others, where torrents have removed the superstratum of earth; these various indications on the opposite ridges, prove that the vein is on one and the same level. *The coal is pure, lustrous and rich; and from the peculiar advantages attending its situation, can be furnished for one-half cent, to one cent per bushel, at the bed.* The larger vein is supposed to be the same as that opened near Frostburg, and it is thought by those who are conversant with its formation, to increase in depth as it progresses southwardly. In addition to coal, Iron ore is found in considerable quantities. Timber for ordinary purposes, with valuable ship timber, abounds throughout this district; white pine for masts and spars, it is said, exists in large quantities. The surrounding country, including the glades, is better adapted to raising sheep, than perhaps any portion of the United States.

"The section of country subject to these observa-

tions appears to possess in a high degree all the desiderata to render it a manufacturing country. 1st. A sufficient and constant water power: this can be found both on the North Branch and Savage rivers. 2d. A healthy and salubrious climate, with subsistence cheap and plentiful: for manufacturing establishments, these circumstances are of primary importance, as they affect in an eminent degree the price of labor. 3d. A position where materials abound in the vicinity of the works that will require their consumption: this is also an important consideration, as a difference of two or three cents the bushel in the article of coal, alone, will occasion the difference of several thousand dollars per annum, in extensive manufactories; besides the fact, demonstrated by experience, that it is cheaper to transport the articles manufactured than the materials, in the ratio of 10 to 1."

"The advantages of this water conveyance would command not only the freight of the above enumerated heavy articles, but also the trade of an extensive back country, comprising part of Alleghany county (Md.) and several counties in Virginia."

Extracts from Judge Robert's remarks, Sept. 1829.

"On the advantages of this navigable feeder,* as enumerated by Mr. Cruger, in his report, herewith presented, I would observe, that while its location was going on, I spent some time in viewing the coun-

* A Canal from the mouth of Savage to Cumberland.

try, accompanied by Mr. Cruger, for several miles around, in the vicinity of Westernport and Savage, and from the information thus obtained, and from a number of gentlemen, respectable for their intelligence and knowledge of that section of country, who accompanied us, I am well convinced of the great importance this Canal would be to that section of Maryland and Virginia, in an agricultural, commercial, and manufacturing point of view. But the greatest amount of business on the Canal would be derived from the Coal, the Iron, and the Lumber, which so much abounds in that region of country. The termination of this Canal at Savage would be in the centre of a body of coal, which might be brought to it by branch rail-roads, from the head of the Potomac, about thirty miles, and from eight to ten miles up George's Creek, to Westernport. The coal district, thus accommodated, would be not less than five miles wide, covering a surface of more than two hundred square miles. Over at least one-fifth of this it is believed the thick vein of coal extends, which measures, where it is opened, at least thirteen feet thick. But the coal mines that could be opened, within five miles of Westernport and Savage, would yield coal to an immense amount, as each square mile of the great vein alone would yield more than two hundred and eighty millions of bushels of coal, or ten millions of tons.

Iron ore of excellent quality is said to abound in

this coal district; and, with the facilities of a canal transportation, together with the cheapness of bituminous coal, charcoal, and subsistence in a very healthy country, would be an inducement to the enterprising of our citizens to extend the manufacture of Iron to a great amount, and thereby improve and give great value to the water power, that might be easily created on Savage river and the Potomac, for all the manufacturing and mechanical purposes of a very extensive population." * * * *

"It is ascertained that the veins of coal are from two to five feet thicker near Westernport and Savage, than they are around Frostburg, and that they become much thicker proceeding up the Potomac to its sources; so that Westernport and Savage seem to be nearly central in the great coal district of George's Creek and the Potomac."

And in a Report made Oct. 1838, by Maj. Douglass, late Professor of Civil Engineering at West Point, he says:

"Of the Coal veins ascertained, the lowest is that of Burns' mine, on the Virginia side of the Potomac near Westernport, *three and a-half* feet thick.*

"Next after this, follow two small veins of *one and a half* and *one foot* respectively—visible, one at low water, and the other about thirty feet above, near the mouth of Savage.

* "This was the only vein in this part of the system which it was not in my power to examine personally. It was described to me by the son-in-law of Mrs. Burns, as being four and a-half feet thick, but to guard against error I have set it down at *three and a half*.

"Sixty feet above this, is Brant's lower, or *Three foot* vein, and about forty feet still higher, the upper or *Six foot*; both visible at Brant's mines, near the mouth of Savage, and at several positions on the Potomac, and on George's Creek near Westernport.

"The next following interval of two hundred feet was only explored to the height of one hundred above the six foot vein, in which distance it shows but one thin vein of six inches. It is followed however by a *three foot* vein of superior coal, visible on the hill side, ascending the State road, northeastwardly from the mouth of Savage.

"Another unexplored interval of one hundred and eighty feet, then brings us to a vein (not less than) *three feet* thick, which crops out on Moore's run and George's creek respectively, about a mile above their confluence. Above this, a vein of *one foot* is seen just above the water of George's creek, near Shaw's mill, and a little further, another of *two feet nine inches*.

"The next vein, after another unexplored interval of (say) one hundred and fifty feet, is the *one foot* vein at the bottom of the Lonaconing section; then follow, in the order of that section, two veins of *two feet each*, with an interlayer of iron ore. Then the *eight foot* vein so called, measuring about *seven*. Then the big, or *Ten foot* vein. Then a *one foot* vein. Then a *four foot* vein, slightly subdivided by a stratum of shale. Then, after an interval of one hundred and

fifty-three feet, only partially explored, a vein of *Two Feet*. Then another, (Four Foot Vein so called,) measuring about *three and a half*: and finally, a *Two Foot Vein*. Most of these *last named* are visible at so many points, and are so well known, that I have not thought it necessary to particularize localities.

"It appears then on summing up, and as we are now able to judge, that there are at least twenty veins intersected by the waters of George's Creek, and in like manner by the other waters between their sources and their debouch from the Coal Basin. Of these, *ten* are of workable dimensions, from *two feet nine inches* to *twelve feet*, and three others of inferior dimensions, also workable from their vicinity to ore beds or other veins of Coal, making an aggregate of about fifty-three feet workable, (sixty-two feet in all,) in a depth of eleven hundred and fifty feet.*

"The specific gravity of specimens from the interior of the mine average 1.33: that of the English coals being generally about 1.28; it exceeds the latter, therefore, in weight, from three to three and a half pounds to the bushel, and runs about twenty-six heaped bushels to the ton.

"The proportion of its constituent elements, according to various analyses, and in different specimens, is

* "It is interesting to remark, by way of comparison, that, the veins of the great Newcastle Collieries, although more extensive in area than those under consideration, are greatly inferior to them in number and thickness. There are for instance, but five workable veins—none of them exceeding six feet in thickness and averaging only four and a quarter feet.

stated from reports of Professor Silliman and Major Hughes, to the Maryland Mining Company, as follows, viz:

	Carbon.	Bitumen.	Earths or Oxides.	Water.
By the recent analysis of Professor Silliman,	82.00	13.34	3.00	1.66
“ Dr. Jones,	81.00	15.00	4.00	
“ Do. Do. (another specimen,)	78.00	19.00	3.00	
“ Dr. Jackson and Dr. Hays, (nearly alike,) averaged,	77.45	16.00	5.30	
“ Dr. Jones on an iridescent specimen,	72.50	22.50	5.00	
And finally, by that of Professor Ducatel, on a specimen from Frost’s mine,	70.00	20.50	6.00	3.50

“The proportion of combustible matter, indicated by these different analyses, varies from 90 1-2 to 97 per cent., averaging 94, and deducting a small fraction for water, the average residuum or ashes, is found to be only four and one half per cent.

“As an agent for *the generation of steam*, it is ascertained to be much more efficient than either the Anthracites, on one hand, or the fat Bituminous Coals on the other—which confirms, in this respect, its analogy with the South Welch, Llanelli and Swansea Coals.*

“According to the statement of Dr. Jackson, of Boston, it produces 32 per cent. more steam than the Newcastle Coal; and by a recent experiment in the Anthracite Locomotive Engines of the Baltimore and Ohio Rail-road, it is shown to be 40 per cent. more

*These are the only coals which have yet been approved in use, for working the Great Steam Engine Furnaces of the Cornwall mines—and there is reason to believe that the extraordinary performance of those engines is in no small degree dependent upon the superior character of this fuel.

effective, as a steam agent, than Anthracite. We learn, then, from a comparison of these results, that it must be at least three and a half times more efficacious than dry Pine wood.

"As a material for the manufacture of Coke, it has also been found superior to most other coals. In this respect it ranks with the Welch coals of Merthyr Tydvil and the neighboring localities, which furnish the fine silvery white Coke, of that country, in the proportion of 75 to 86 per cent., *by weight*. It swells *more than those*, however, in the operation of Coking, and yields, consequently, a larger quantity by *measure*.

"It has also been used extensively and with great advantage as a fuel for Lime-burning, sometimes even in open heaps as in Wales, without the aid of a kiln; sixteen bushels of broken Limestone being a good proportion for one bushel of slack coal.

"As a material for the manufacture of Gas, its analogy with the Cannel and Swansea Coals is a sufficient evidence of its superiority, and considering also its Coking propensity, it can, doubtless, be used in this branch of business with more profit than either.*

"But the great distinguishing feature of this coal and which renders it even superior to most of those with which we have compared it, is its *freedom from sulphur*."

*The Cannel and Swansea Coals produce the most brilliant of the Coal gases, and in the greatest quantity, but being less profitable than other Coals in the production of Coke, they are of course less used. The coal of the Frostburg mines would be preferable in this respect.

It has been already stated that the lands of these Companies nearest to Cumberland approach within seven miles of it, and as the coal crops out on the east side of Dan's Mountain, the coal can be delivered from that point cheaper than from any other part of the coal field. Major Douglass, speaking of the mines near Cumberland, and of the relative cost of transportation from the mines to that place, as a common starting point, says:

"It appears, then, in comparing these three modes of conveyance, that the relative expense per ton, estimated in each case to Cumberland, will be as follows, viz :

1st. From Dan's Mountain, by the plan suggested,	16 $\frac{3}{4}$
2d. From Westernport, <i>by the Canal</i> ,	18 $\frac{3}{4}$
3d. From the extreme head of either of the contemplated Rail Roads,	35cts.

—the last being more than double the first, and exceeding the second by a difference of sixteen and one-fourth cents.

"It is not impossible that a part of this difference may be obviated by some modification of the plans of the proposed Railways; and another part will of course be taken off, as to those places which are nearer Cumberland than the extreme head of the Railways; but still, compared with any situations within the limits of the Coal Field, *the Canal must be considered as enjoying decided advantages.*"

From these premises it follows, that the district,

lying along the ridge and western slope of Dan's mountain, stands at the head of the first class of positions in point of eligibility. But if we consider the tendency of trade generally to accumulate near a *head of navigation*; and the peculiar fitness of a large canal for a heavy Coal and Iron business, we shall see that the vicinity of Westernport, notwithstanding the difference of two cents per ton against it, is entitled to stand very nearly upon the same footing as the district mentioned. These two, then, embracing collectively the east side of the Coal valley from Brad-dock's Run to Westernport, and both sides of the Potomac, (to the distance of a mile,) from the gorge of Dan's mountain to the mouth of Savage river in-clusive, will constitute the *First District* in order of importance; and it may be assumed with confidence, that any association or individual, who shall acquire possession of this, and proceed judiciously to develop its resources, in the connexion stated, will stand, with a decided advantage, between every other operator and the market.

"It happens, fortunately, that a large portion of the lands within this precinct, are owned by these Companies, that is to say, the parts thus included are estimated at about Twenty Thousand Acres—con-stituting probably seven-eights of the whole territory embraced in this class, and may be estimated to con-tain, in good workable condition, not less than Four Hundred Millions of Tons of Coal."

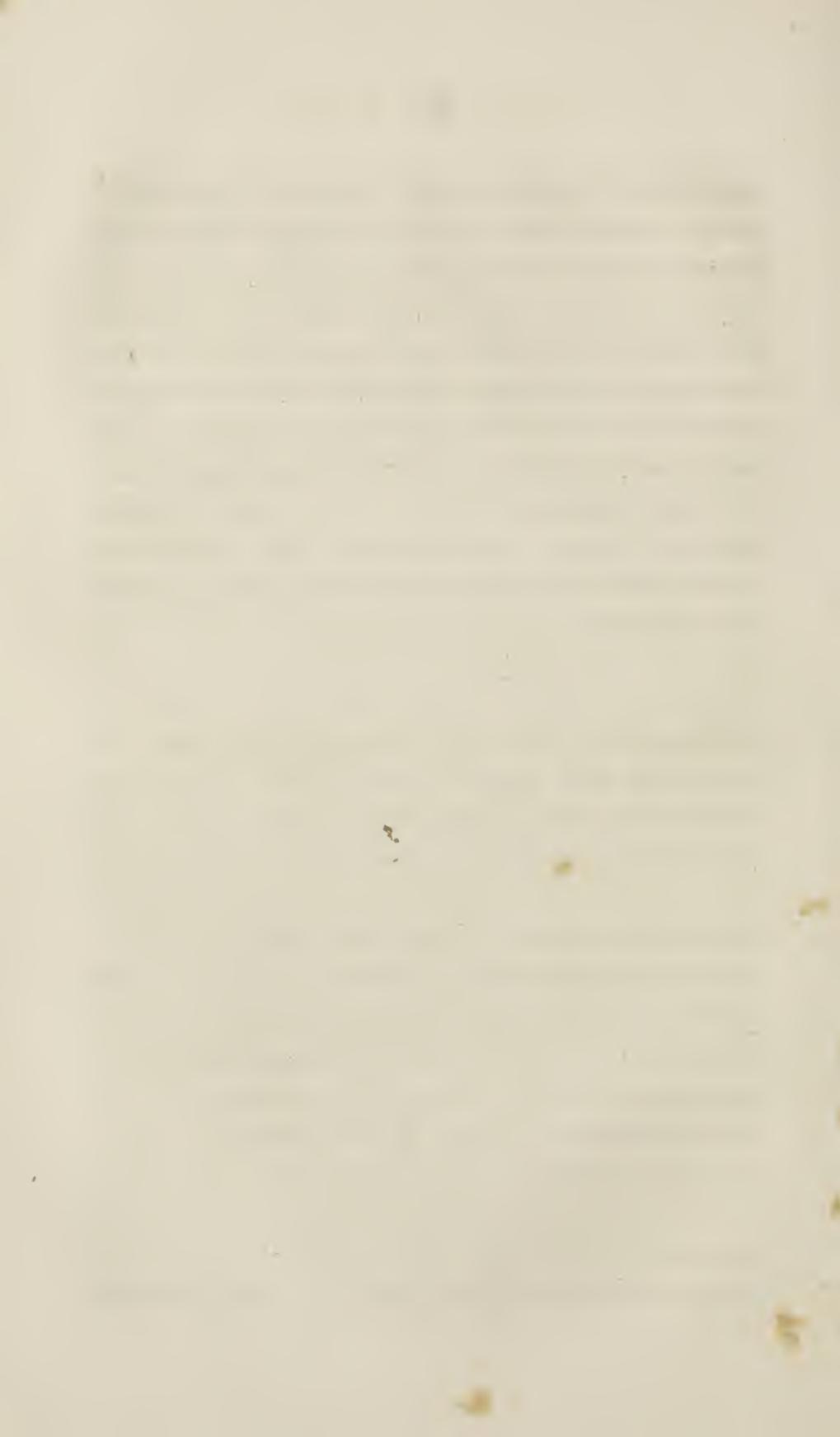
"The veins of Iron Ore constitute a part of the Coal measures, and are found in a variety of mineral forms, interlaying the other strata in various parts of the system. Among the upper layers, for example, they form several rich beds of Brown Iron Stone, called (perhaps erroneously) Brown Hematite; one of the veins or beds of which, opened by Mr. Howell on the face of the Savage mountain, is three feet in thickness, with veins of Coal above and below it—that above separated from the iron only by a stratum of soft Shale. Other rich veins of various descriptions of *argillaceous* ore, resembling the best Welch ores, occur below the Eight-foot Vein, and between the latter and the Big Vein. Others again of the *nodular* kind, and a reddish colored concretion very rich and heavy, appear in connexion with Brant's veins near the bottom of the section, and doubtless others exist in various parts of the strata, which have not yet been detected. Of those which have been identified and measured, however, the aggregate thickness is not less than *sixteen* feet, which, allowing for the difference of specific gravity, would give nearly the same weight of Iron ore, as of Coal, and this we estimate to be about 60,000 tons to the acre.

It will be seen by reference to the accompanying Map, that the lands bordering on the river have been secured, with a few exceptions, not noted, for obvious reasons. If we take but one half of the above average estimate, or 30,000 tons to the acre, on

20,000 acres of these lands, they will give the round quantity of *six hundred millions of tons of Coal*, to say nothing of the Iron ore; and if we allow but one cent. per bushel, it gives us three hundred dollars per acre, as the value of the land. But there is another element of value in these lands—it is their location. Boats that leave Baltimore may be passed into the lower mine, and be laden with Coal in the mine. The expense of transportation on a rail road is estimated at *three cents, per ton, per mile*; multiply thirty thousand tons by three cents, and it will be found that the expense of transportation will be at the rate of nine hundred dollars per acre, for each mile;—and that mines which are distant five miles from the river, will yield four thousand five hundred dollars less, per acre, than those that bind on the river, as this will be the actual difference, in the cost of placing their Coal in boats on the Canal.

We are aware that the first enquiry which will present itself to the mind is, if these representations be correct; how is it possible that these Lands were so long in the market, and that an interest in them is now offered at a very low price? As to the accuracy of the representations, the reader is referred to the *disinterested*, and concurring statements of the Engineers, whose reports are quoted—to the reports of the state geologist—to many respectable persons in Baltimore, who have seen these lands, and can corro-

borate their representations; and in explanation of the low rate at which new parties may become interested in the stock representing these lands, it is a material fact, to be borne in mind, that the purchases were chiefly made before the large subscription of the State to the Canal, gave assurance that the mineral could be soon and cheaply brought to market—and that it is now proposed to sell, only so much as will enable these companies to pay, what they owe on their lands; and upon conditions that will attract the capital desired, to develop these immense deposits of Coal and Iron.



CHARTERS
OF THE
UNION POTOMAC COMPANY,
AND THE
UNION COMPANY,
WITH A
DESCRIPTION OF THEIR
Coal and Iron Mines,
SITUATE IN
HAMPSHIRE COUNTY, VIRGINIA,
AND IN
ALLEGHANY COUNTY, MARYLAND.

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1840.

VIRGINIA CHARTER.

A N A C T

TO INCORPORATE THE

UNION POTOMAC COMPANY.

WHEREAS it is represented to the General Assembly of the State of Virginia that DUFF GREEN, and his associates have purchased several tracts of land near the mouth of Savage river, containing valuable mines of coal, iron, and other minerals, and that great advantage will arise to the people of this State by working the same, and the construction of a canal or slack-water navigation with a railroad or railroads, connecting their several mines with the Chesapeake and Ohio canal, the Baltimore and Ohio railroad, or such other railroad or railroads as now are, or may hereafter be, authorised by this State: therefore,

SECTION 1. *Be it enacted by the General Assembly,* That DUFF GREEN, JAMES LYONS, BEVERLY R. WELLFORD, WILLIAM M. GREEN, RICHARD K. CRALLE, ARCHIBALD M. GREEN, and ROBERT HORD, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, their successors and assigns shall be, and they are hereby incorporated by the name of the UNION POTOMAC

COMPANY, for the purposes and with the privileges and immunities hereinafter described, defined and granted, and by that name shall be a body politic and corporate, in fact, and in law, and may sue and be sued, plead and be impleaded, in all courts of justice and elsewhere. And the said company shall have power and authority, at any time after the passage of this act, to purchase, receive in donation, possess and enjoy, retain, demise, grant, lease, alien and sell under the restrictions and limitations hereinafter mentioned, lands, hereditaments and water privileges, rights, goods, chattles, and effects, necessary or useful for the construction, erection, and carrying on of a canal or slack-water navigation, and a railroad or railroads connecting their mines and manufactories with the Chesapeake and Ohio canal, the Baltimore and Ohio railroad, or any other railroad or railroads which now are, or may hereafter be, authorised by this state, and for the construction, erection, and carrying on of mills and manufactories of iron and other articles, and for the opening and working of their said mines, and for the transportation of the products thereof to market, and for the successful prosecution of the powers and privileges herein granted: provided, the said company shall at no time possess in this State more than twenty thousand acres of land.* And the said company shall have perpetual

* Extended by a Supplemental Act to 40,000 acres.

succession, and power to make and use a common seal, the same to change and renew at pleasure, and to adopt and carry into execution such laws, ordinances and regulations as shall by its directors be adjudged necessary and convenient for the government and management of the said company, and the same to change, alter, repeal, annul, and re-enact; provided the same be not contrary to the constitution and laws of the United States or of this State.

SECT. 2. *And be it further enacted,* That the capital stock of the said company shall consist of ten thousand shares of one hundred dollars each, of which the lands and mines of the said DUFF GREEN, and his associates, shall continue a part, at a price to be agreed upon by the commissioners authorised to receive subscriptions to the capital stock of the said company, and the directors of the said company shall have power to increase their capital to such an amount as may be found, from time to time, convenient and necessary for the accomplishment of the objects of their incorporation; provided the same does not exceed twenty thousand shares.*

SEC. 3. *And be it further enacted,* That the subscription to the said capital stock of the company, shall be opened under the direction of DUFF GREEN, JAMES LYONS, BEVERLY R. WELLFORD, WILLIAM M. GREEN, RICHARD K. CRALLE, ARCHIBALD M. GREEN, and ROBERT

* May be increased to 70,000 shares. See Supplement.

HORD, or a majority of them at such time and place as they shall designate, giving at least ten days notice in one or more of the newspapers printed in the cities of Washington, Baltimore and Richmond, and that each subscriber shall thereupon pay to the said commissioners ten dollars on each share.

SEC. 4. *And be it further enacted,* That the management of the business and concerns of the said company shall be vested in nine directors, five of whom shall be a quorum to do business.

SEC. 5. *And be it further enacted,* That in all elections and on all questions concerning the management and business of said company, each share shall be entitled to one vote, and that the directors shall, at their first meeting or as soon thereafter as may be, appoint one of their number to be President, and shall also, in the same manner, appoint a Treasurer and such other officers and agents as they may see proper, for conducting the affairs of the company, who shall severally hold their offices during the pleasure of said directors, who may demand and require of the said officers, or any of them, security for the faithful discharge of their respective duties in such manner and form as they may think proper.

SEC. 6. *And be it further enacted,* That the first board of directors shall be chosen under the superintendence of the commissioners before named, or a majority of them, at such time and place as they may designate, to continue in office for one year, and that

the subsequent elections for directors shall be holden annually thereafter at a meeting of the stockholders at such time and place as the directors for the time being may designate, they giving at least twenty days notice in at least one newspaper printed in the cities of Richmond and Baltimore; and if an election of directors should not be made on the day when, in pursuance of this act, it ought to be made, the corporation shall not for that cause be considered as dissolved, but it shall and may be lawful to hold such election at any other time, giving public notice thereof in manner aforesaid; and until such election be made, the directors for the time being shall continue in office; and in case of vacancy in the office of director, by death, resignation, removal or otherwise, the other directors may supply such vacancy or vacancies, from time to time, for the unexpired term of the director or directors whose place is so supplied.

SEC. 7. And be it further enacted, That it may be lawful for the said company to erect a canal or slack-water navigation from the Chesapeake and Ohio Canal, in and along and near the bank of the Potomac, to such point or points thereon as they may deem it expedient to terminate the same; and also to construct such railway or railways from the said mines or manufactories to the said canal or slack-water navigation, or to the Baltimore and Ohio railroad, or to any other railroad authorized by this State, as they may deem necessary for the successful

working and carrying on of their said mines and manufactoryes.

SEC. 8. *And be it further enacted,* That it shall be lawful for the said company, from time to time, to construct, make, erect, and form, such embankments, reservoirs, aqueducts, locks, wiers, gates, ways, bridges, and other works, as the said directors may deem convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same for the better carrying on and management thereof. And it shall and may be lawful for said company, by the president, directors, officers, agents, engineers, superintendents, or contractors, or any other person or persons by them employed, from time to time, and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purposes contemplated by this act, doing no unnecessary damage; and when a location of the said canal, or slack-water navigation, and the said railroad or railroads or other improvements, shall be determined by the directors, or a majority of them, from time to time, and a survey thereof, showing the lands necessary for the same, shall have been made by an engineer or other person employed by said company, and deposited in the office of the county court of the county in which the land lies, then it shall be lawful for the said company, their agents, engineers, contractors, superintendents, or other person or persons employed by them, to enter upon, take possession of, and use

all and singular such lands and premises, subject to such compensation to be made therefor as is herein-after directed.

SEC. 9. *And be it further enacted,* That when the directors, aided by a competent engineer, shall have determined on the location of said canal, slack-water navigation, railroad or railroads, or other improvements, they, or a majority of them, shall make and sign a description of the same, and cause it to be filed in the office of the county court of the county in which the land lies, which being done, and not before, the said company may take possession of such lands as they may not have acquired by purchase, and which may be necessary for the construction of said canal, slack-water navigation, railroad, railroads, or other improvements as aforesaid, together with all other lands and premises as may be convenient and necessary for the uses and purposes aforesaid, subject to the restrictions and conditions hereinafter provided.

SEC. 10. *And be it further enacted,* That where any lands that may be useful for the said improvements shall not be made a free gift by their owner or owners to said company, then said company shall pay to the owner or owners of such lands such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or if such owner or owners be feme covert, under age, non

compos mentis, or reside out of the State, then it shall and may be lawful for the said company, and they are hereby required without delay, from time to time, and at all times, to cause a survey or surveys and a map or maps to be made of any of the land requisite and useful for the purposes aforesaid, or appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and the same survey or map to exhibit to the judge of the circuit superior court for the county in which the same is situated, giving at least ten days notice in writing to the parties of the time and place of such exhibition, by serving the same on such owner or owners, and every of them, if resident in the State at the time, and, if not, by advertising the same in one or more newspapers published in the city of Richmond or Washington for at least sixty days:—And thereupon it shall be the duty of the said judge to certify such survey or map under his hand, and cause the same to be filed and recorded in the office of the court of the county in which the land lies, there to remain as a public record, and also at the same time and place, by writing under his hand, to appoint five discreet and disinterested freeholders of the State of Virginia as appraisers, who shall, before they enter upon the duties of their appointment, severally take and subscribe an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this

act; and it shall be the duty of the said appraisers, or a majority of them, if requested so to do by the owner or owners, or by the company, to make a just and equitable estimate and appraisement of the lands and also of the damages, if any there be, that each owner may sustain, for the uses and purposes aforesaid, the said appraisers giving ten days notice, in manner aforesaid, of the time and place of meeting to make such appraisement, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgment of deeds, and shall cause the same to be filed and recorded in the office of the county court in which the land lies, there to remain as a public record. And the said company shall, before they enter upon, take possession of, or use the said lands and premises, except for the survey and location above mentioned, pay or tender the damages so assessed, to the person or persons respectively entitled to the same, or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the State, the said company shall pay the same into the circuit superior court in whose jurisdiction the land lies, to be disposed of under the order of the said court, according to the respective rights and interests of the proprietors, agreeably to law; and immediately thereupon, the rights, property, and interests of the person or persons so compensated and paid, in and to the premises so appropriated,

described, and paid for, shall be vested in the said company:—And if default be made in such payment, the owner or owners may sue and recover of said company the amount of such assessment, or bring an action of ejectment for the lands, at his or their option. Provided, that for good cause shown by either of the parties within ninety days from the filing of said assessment, the said judge in court at the next term shall order a re-assessment to be made, in manner aforesaid, which shall be returned to and acted upon by him as the original assessment might be, and provided also that either party feeling themselves aggrieved by the judgment of the said court upon the said assessment, may appeal therefrom to the court of appeals in the manner prescribed by law in other cases of appeal.

SEC. 11. *And be it further enacted,* That the capital stock of the said company shall be deemed personal property, and that all shares of stock at any time owned by any stockholder, shall be transferable on the books of the company in such manner as the by-laws shall ordain, but all debts due or payable to the company, and all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such share, unless by consent of the directors. And when the company shall be formed, the stock subscribed shall be paid in such instalments and at such times as the president

and directors shall from time to time require; and in default of payment, the directors may offer at public sale so many of the shares in default as may be sufficient to discharge the sum then due and unpaid on the shares thus in default, and the purchaser of the shares thus sold shall become a stockholder, and be subject to the same rules and regulations, and entitled to the same privileges, rights, and emoluments, as original subscribers under this act; provided, no payment shall be demanded until at least sixty days notice thereof shall have been given in some newspaper printed in the city of Washington, nor shall any share be sold by the president and directors as herein authorized without twenty days like notice thereof.

SEC. 12. And be it further enacted, That every director, treasurer, and all such other officers as the directors may require so to do, shall, before he or they act as such, take an oath or affirmation for the due and faithful execution of his or their office.

SEC. 13. And be it further enacted, That nothing in this act shall be construed to impair the rights of any person or persons to an action against said company, their agents, workmen, or servants, for any damage done to his, her, or their lands, hereditaments, and premises, by the construction of said improvements, when such person or persons have not been agreed with by said company, or their damages paid or satisfied by the said company, under the provisions of this act.

SEC. 14. *And be it further enacted,* That if the said canal or slack-water navigation be not commenced in two years, and the same shall not be completed to Cumberland within seven years from the passing of this act, the authority to construct the same shall cease.

SEC. 15. *And be it further enacted,* That this act shall be a public act, and the said canal and other improvements therein contemplated shall be deemed public works, and all persons, and any person or persons who shall in any wise damage or injure the same, shall be liable to be proceeded against and punished in like manner as if the injury or damage had been done to any other public work; and that it shall be the duty of the president and directors of the board of public works, from time to time, to prepare and fix a tariff of tolls and rates of transportation, which it shall and may be lawful for the said company to ask and receive of all persons before they shall be entitled to use the said canal, slack-water navigation, or railroad or railroads, respectively; and to this end, while the said works are in progress, and annually after the same shall have been completed, the president and directors of the said company shall report to the president and directors of the board of public works a statement showing the amount of the capital stock expended in the construction of the said canal or slack-water navigation, and of the said railroad or railroads, the amount of the tolls received during

each preceding year, the expenses and charges incurred during the same period, and the net annual profit or loss on the capital so expended, and if, from this statement and such other evidence as shall be offered, the president and directors of the board of public works shall be satisfied that the net average profits for the next succeeding year will not equal six per centum per annum, then the said president and directors of the board of public works shall so augment the tolls or rates of transportation, as the case may be, as to make them sufficient in their estimation to yield such annual profit of six per cent. per annum; and if the said board of public works shall be satisfied upon the evidence aforesaid that the net annual profits will exceed the rate of fifteen per centum on the capital stock expended, then they shall so diminish the tolls or rates of transportation hereby allowed, as to make them only sufficient in their estimation to yield an annual net profit of fifteen per centum, and in computing the profits similar toll shall be charged on the freight boats or vessels of the company as is charged on the freight boats or vessels of others.

SEC. 16. *And be it further enacted,* That if the State of Virginia shall, in the prosecution of any general scheme of improvement within the term of ten years from the passage of this act, require the use of the said canal or slack-water navigation, or if the Chesapeake and Ohio canal company, for the

purpose of continuing that work to the Ohio, shall within the term of five years, require the said canal or slack-water navigation as a part thereof, then and in that case it may be lawful for the State of Virginia or the said Chesapeake and Ohio canal company, as the case may be, upon the payment to the said company of the sum expended in the construction thereof, with proper allowance for interest, deducting the profits which may have arisen from tolls, to take possession of the said canal or slack-water navigation ; and the right and property therein, upon the payment to the company of the cost thereof as aforesaid, shall be vested in the State of Virginia, or the said Chesapeake and Ohio canal company, becoming possessed thereof as aforesaid.

SEC. 17. *And be it further enacted,* That the said company may and are hereby empowered to unite with any company or companies chartered by the State of Maryland for similar purposes.

SEC. 18. *And be it further enacted,* That nothing herein contained shall be so construed as to prohibit the Legislature of this State from authorizing the construction of roads or other improvements through the lands of the said company, in the same manner, and to the same extent, as if they were the property of individuals.

SEC. 19. *And be it further enacted,* That nothing herein contained shall be so construed as to lessen, impair, or in any way effect any rights or privileges pos-

sessed by or vested in the Chesapeake and Ohio canal company, or any other company incorporated by this State, and that the Legislature reserves the power to authorise any other company hereafter to be incorporated to connect with the improvements herein provided for; and that any company hereafter to be incorporated, or individual, shall have liberty to transport on the canal in his or their boats, or on the said railroad or railroads in the cars and carriages of the company, any passengers, goods, wares, or merchandise, on the payment of such tolls as are herein prescribed to be established by this act: And, moreover, the said company shall keep in repair a sufficient number of cars or carriages for the speedy conveyance of all passengers and transportation of all goods, wares, and merchandise of any person or persons or body corporate whatever; and the goods, wares, and merchandise of the company shall not be transported on the aforesaid canal or slack-water navigation or railroads to the exclusion of the goods, wares, and merchandise of other persons, nor shall the privilege herein granted the company to unite with other railroads, canals, or slack-water navigation be construed to give any further privilege than the transportation of the goods, wares, and merchandise of said company from their own works to market.

SEC. 20. *And be it further enacted,* That this act shall take effect and be in force from and after the passage thereof, and that so much thereof as relates

to the construction and working of mills, manufactories, and coal and iron mines, shall continue in force for the term of fifty years; provided, nevertheless, the Legislature may, at any time after thirty years, alter, modify, or repeal, so much of the same as empowers the said company to erect and carry on mills and manufactories and to work their coal mines.

STATE OF VIRGINIA, *City of Richmond, to wit:*

I, GEORGE W. MUNFORD, Clerk of the House of Delegates and Keeper of the Rolls of Virginia, do hereby certify and make known that the foregoing is a true copy of an act of the Legislature of Virginia, passed February 2d, 1836.

Given under my hand this fourth day of February, 1836.

GEORGE W. MUNFORD,

Clk. Ho. Del. and Keeper of the Rolls of Virginia.

S U P P L E M E N T.

A N A C T,

S U P P L E M E N T A R Y T O A N A C T,

E N T I T L E D

“A N A C T

T O I N C O R P O R A T E T H E

U N I O N P O T O M A C C O M P A N Y.”

P A S S E D M A R C H 11, 1839.

Be it enacted by the General Assembly, That the commissioners heretofore appointed to superintend the organization of the Union Potomac Company, or a majority of them, may at such time and place as they shall designate, proceed to organize the same, and that the said company be and they are hereby allowed two years, in addition to the time allowed by the act incorporating the same, for the commencement and completion of their canal or slack-water navigation.

And be it further enacted, That the said company, in addition to the land heretofore authorised to be purchased, may purchase, use, transfer and sell, or otherwise dispose of estate, real, personal and mixed, provided they shall at no time hold, in addition to

the lands heretofore authorised to be held by them, more than twenty thousand acres, lying and being in the counties of **Hardy** and **Hampshire**.

And be it further enacted, That the president and directors of said company may from time to time and at such times as they shall deem it expedient, increase the cash subscription to the capital stock of said company, provided the same shall not exceed thirty thousand shares over and above the stock, representing the lands of said company. And the said president and directors may receive such evidence of the ownership of their stock, and of the bonds and obligations given for money borrowed, or for lands or property purchased, as is received on account of the funded debt of the **United States**.

This act shall be in force from the passing thereof.

MARYLAND CHARTER.

A N A C T

TO INCORPORATE THE

U N I O N C O M P A N Y.

WHEREAS it is represented to this General Assembly that DUFF GREEN and others, his associates, have purchased several tracts of land at or near the mouth of Savage river, in Alleghany county, containing extensive and valuable mines of coal, iron, and other minerals; and that the interest of this State will be promoted, and the trade of the Chesapeake and Ohio canal and Baltimore and Ohio railroad, in which the State has so large a pecuniary interest, will be greatly increased by the working of said mines, and by the construction of a canal, or of a slack-water navigation by lock and dam, with appropriate railways connecting said mines and the extensive and valuable mineral region in which they are situate with the Chesapeake and Ohio canal and the Baltimore and Ohio railroad: Therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland, That DUFF GREEN, JAMES LYONS, BEVERLY R. WELFORD, WILLIAM M. GREEN, RICHARD*

K. CRALLE, ARCHIBALD M. GREEN and ROBERT HORD, and all and every person or persons who may become subscribers in the manner hereinafter prescribed, shall be and they are hereby incorporated by the name of "THE UNION COMPANY," for the purposes of making, constructing, keeping in repair, and carrying on a canal or slack-water navigation by lock and dam, from the basin of the Chesapeake and Ohio canal, at or near Cumberland, in, along, or near the Potomac river, to the mouth of the Savage river, in Alleghany county, and thence, up said river and the Potomac river and George's creek, to such point or points on said rivers and George's creek as they may deem it expedient to terminate the same at, and of connecting the same or the Baltimore and Ohio railroad with their mines and manufactories by such railway or railways as they may deem necessary for that purpose; and also for erecting, constructing and carrying on mills and manufactories of iron and other articles, of which iron is a component part, and for opening, working and transporting to market the produce of their mines, lands, mills and manufactories; and for the purchase, transportation, and sale of goods, chattels and effects; and that for said purposes they shall be a body politic and corporate by the name aforesaid, and as such shall have power to obtain by purchase or gift, to hold and lease or sell all such property as they may require for the purpose aforesaid: Provided that the same company shall at

no time hold or possess in this State, for its said mines and manufactories, more than thirty thousand acres of land; and shall not purchase more than ten thousand acres of said land subsequent to the organization of said company, and that by said name the said company shall have succession, and may sue and be sued, and may have a common seal, which they may alter at pleasure, and may have and exercise for the purposes aforesaid, under the restrictions herein mentioned, the powers usually incident to corporations.

SEC. 2. *And be it enacted,* That the capital stock of said company shall consist of ten thousand shares of one hundred dollars each, of which the lands and mines of the said DUFF GREEN and his associates may constitute a part, at a price to be made known by the commissioners authorized to receive subscriptions to the capital stock of said company, at or before the times of subscription; and which price or value shall be estimated and fixed by disinterested persons, one of whom shall be appointed by the Governor and Council, one by the above named proprietors, and the third by these two; and who, or a majority of them, shall estimate and fix, on oath, the value of said lands and mines, and make return thereof in writing to the said commissioners before they shall receive any subscriptions to the said capital stock; and the president and directors of said company shall have power from time to time to increase the capital stock

to such an amount as may be found necessary for the accomplishment of the objects of this incorporation, provided that the same does not exceed thirty thousand shares.*

SEC. 3. *And be it enacted,* That the subscriptions to the capital stock of said company shall be received under the direction of DUFF GREEN, JAMES LYONS, BEVERLY R. WELFORD, WILLIAM M. GREEN, RICHARD K. CRALLE, ARCHIBALD M. GREEN, and ROBERT HORD, or a majority of them, who shall act as commissioners at such times and places as they shall designate, they giving at least ten days previous notice in one or more newspapers printed in the cities of Baltimore and Washington, and elsewhere if they deem it necessary; and each subscriber shall pay at the time of subscription, to the commissioners receiving the same, the sum of ten dollars on each share by him or them subscribed.

SEC. 4. *And be it enacted,* That the management of the business and concerns of said company shall be vested in nine directors, who shall be stockholders and citizens of the United States, any five of whom shall be a quorum for the transaction of its business; that the first board of said directors shall be elected by the subscribers under the superintendence of the commissioners aforesaid, at such time and place as they may designate, they giving at least twenty days

*May be increased to fifty thousand shares, to create a trust fund of two millions of dollars. See 6th section of Supplement.

previous notice thereof in at least one newspaper printed in each of the cities of Baltimore and Washington; that the subsequent elections of directors shall be made annually thereafter, and after a like previous notice at a general meeting of the stockholders to be convened for that purpose at such time and place as may be fixed by the by-laws of said company; that if any election of directors should not be made on the day when it ought to be made such election may be made after like notice at any time within six months thereafter, and the president and directors for the time being shall hold and exercise their respective offices until a new election is made; and that in all elections, and on all questions touching the business or concerns of said company, each share shall be entitled to one vote.

SEC. 5. *And be it enacted,* That every board of directors of said company shall, at their first meeting after their election, or as soon thereafter as is practicable, appoint one of their own body to be President of said company, and shall in the same manner appoint a Treasurer, and such other officers and agents as they may deem necessary for managing the affairs of said company, who shall hold their offices at the pleasure of the president and directors, and shall give such security as may be prescribed by the by-laws of said company; and that every director of the company, its treasurer, and such other officers as may be required to take the same, by the by-laws of

said company, shall take an oath or affirmation, as the case may be, that they will honestly and faithfully perform the duties of their respective offices.

SEC. 6. *And be it enacted,* That the president and directors of said company shall be, and they are hereby, invested with all the rights and powers necessary for the construction, repair and carrying on of a canal not exceeding in dimensions the Chesapeake and Ohio canal, at Cumberland, or of a slack-water navigation in the river Potomac, by lock and dam, beginning the said canal or lock and dam navigation, in connection with the Chesapeake and Ohio canal, at or near Cumberland, and continuing the same in, along, or near to the Potomac river to the mouth of the Savage river in Alleghany county, and thence in, along, or near to the said river, George's creek and the Potomac river, to such point or points thereon as they may deem it expedient to terminate the same at, and also to construct such railway or railways, to connect their mines and manufactories with said canal or slack-water navigation, or the Baltimore and Ohio railroad, as they may deem it necessary or expedient for the successful working of said mines, and of the mills and manufactories aforesaid; and that, for that purpose, the said president and directors shall have power to make, construct, establish, and keep in repair, all and any such work or works as they may find necessary or useful for constructing, keeping in repair, or carrying on said canal or lock and dam

navigation and railways, with their proper appurtenances, and may also employ all such agents, and make all such contracts and purchases, and take and hold all such gifts and grants of property, or of any interest in the same, as may be found necessary for the purposes aforesaid.

SEC. 7. *And be it enacted,* That the president and directors of said company may agree with the owner or owners of any land, or of any interest in the same, or of any earth, timber, gravel, or stone, which may be wanted for the construction or repair of said canal or lock and dam navigation and railways, or their appurtenances; and if they cannot agree, or if such owner or owners be a feme covert, unknown, non compos mentis, under age, or out of the state or county, then on application by said president and directors or their agents to any justice of the peace of the county in which said lands, timber, stone, earth, and gravel lie, the said justice shall issue his warrant under his hand and seal, to the sheriff of the county to summon a jury of eighteen inhabitants of said county, not related to the parties, nor interested in the property to be valued, to meet on or near to the property to be valued, at a day named in the warrant, not less than ten nor more than twenty days after the issuing of the same; and the sheriff shall on its receipt summon said jury accordingly, and when the jury meets, if twelve or more attend, shall qualify all attending as jurors by administering to them be-

fore they act as such, an oath or affirmation, as the case may be that they will justly and impartially value the damages which such owner or owners will sustain by the taking of the property required by the company; and if at least twelve do not attend, the sheriff shall immediately summon as many more as may be necessary to make up that number, and shall then qualify the jury in the same manner; and the said jury are hereby instructed, in estimating said damages, to consider the benefit which will accrue, or has accrued, to such owner or owners from the construction of said canal, or lock and dam navigation, or railway for which it is wanted, and to make the proper allowance for such benefit in their verdict; and the inquisition thereupon taken shall be signed by the sheriff and at least twelve of the jury, and returned by said sheriff to the office of the clerk of the county court, and unless good cause be shown against it, it shall be affirmed by said county court, at the term after it is returned, and shall then be recorded by said clerk amongst the land records of said county; but if any such inquisition be set aside, the said court may at its discretion, as often as it may be necessary, direct another to be taken and returned, which shall be confirmed as aforesaid; and every such inquisition, as to land, shall ascertain the bounds of the land so valued, and the valuation, when confirmed by the court, shall be conclusive against the parties, and shall be paid by the said president and directors to

such owner or owners, or his, her, or their legal representatives, and when paid or tendered shall entitle the said company to all the estate or interest of such owner or owners in the property so valued; and if the valuation be refused when tendered, or the party to whom it is due be unknown, it may afterwards be recovered of said company without interest or costs.

SEC. 8. *And be it enacted,* That as soon as the valuation of the property wanted shall have been made by a jury, in the manner prescribed in the preceding section, the said president and directors, or their agents, may immediately enter upon, take, and use the property so valued; and the valuation, when confirmed, shall be a bar to all actions by the person or persons against whom such valuation is made for so entering upon or using the said property after such valuation is made.

SEC. 9. *And be it enacted,* That the capital stock of said company shall be deemed personal property, and that the shares of said stock may be transferred on the books of said company in such manner as its by-laws may direct, but all debts due the said company by the stockholders wanting to make the transfer, and all outstanding engagements on which he is then liable, to said company, shall be paid or satisfied out of said stock or otherwise, before any transfer of any of said stock can be made, and before any dividends can be paid upon the same, except by the special permission of the president and directors of said

company; and when the said company shall be organized, the amount due upon the subscriptions to its capital stock shall be paid in instalments, at such times as the president and directors may require the same to be paid, they giving at least sixty days notice of the demand of any instalment, in at least one newspaper printed in each of the cities of Baltimore and Washington; and in default of payment of any instalment, the president and directors may offer at public sale so many of the shares, in default, as may be sufficient to discharge the sum then due on the same, and the purchaser thereof shall hold the same, subject to the same regulations, and with the same rights, as if they had been originally subscribed by him.

SEC. 10. *And be it enacted*, That if the said canal or lock and dam navigation, be not completed from Cumberland to the mouth of George's creek within two years after the completion of the Chesapeake and Ohio canal to Cumberland, then the authority to construct the same shall wholly cease and be void.

SEC. 11. *And be it enacted*, That the said canal, lock and dam navigation, or any part thereof, as soon as it is completed, shall be and remain for ever navigable as a public highway for the transportation of persons or property of every description, upon the payment to the said company, or their agents, of tolls, in conformity with a tariff that shall, from time to time, be established by the president and directors of said

company, with the approbation of the persons who may represent this State in joint companies, incorporated to make roads and canals: Provided always, that the said tariff shall be so framed as to yield a net profit to said company, which shall not be less than six per cent. upon the capital expended upon the said canal and lock and dam navigation, and the necessary appurtenances, nor shall the said tariff exceed the rates now chargeable by law upon the Chesapeake and Ohio canal, whenever the trade thereon shall be sufficient at that rate to yield a net profit of six per cent. as aforesaid; and that it shall be the duty of the president and directors of said company, whilst the said canal or lock and dam navigation is in progress; and annually thereafter, to report to the Legislature a statement showing the amount expended by said company in construction of the same and its works, the amount of tolls received during the preceding year, the amount of expenses during the same period, and the net profit on the capital expended; and that if it shall appear from the same, or be otherwise proved that the net profits of the company on that part of their capital so expended in the preceding year shall have exceeded fifteen per cent., then the Legislature of this State shall have power to make such reduction of said tolls or rates of transportation as shall be found sufficient to reduce them to fifteen per cent.; and that the said president shall semi-annually at such times as the by-laws of

said company shall direct, make and declare a dividend of the net profits of said company.

AND WHEREAS, it appears to this General Assembly that a canal or lock and dam navigation from Cumberland to the mouth of Savage river, will be conducted through a fertile portion of Alleghany county, and will terminate at a mineral region of great extent and boundless mineral resources hitherto inaccessible, and to remain comparatively useless and unproductive unless some communication with the same be opened by such an improvement as is contemplated by this act; and that although the full extent of the mineral wealth of that region is as yet imperfectly developed, yet enough is known and particularly as to the extensive coal and iron mines lying there in close connection with each other, to induce this General Assembly to bestow its fostering care in giving life and activity to these great sources of public wealth; AND WHEREAS it also appears that, apart from the direct benefits to result to the people of this State from opening the navigation of the Chesapeake and Ohio canal to the remote borders of Alleghany, and bringing to light and use these great elements of State wealth, the trade and interest of the Chesapeake and Ohio canal, and of the Baltimore and Ohio railroad, will be greatly enhanced by the completion of the improvements contemplated by this act; and this General Assembly, in full view of all these results, and earnestly desiring their accomplishment, is willing

by proper inducements to stimulate individual energy and individual wealth to the completion of a work involving such public benefits: Therefore,

SEC. 12. *And be it enacted*, That as soon as the company incorporated by this act shall have commenced the construction of a canal or lock and dam navigation to extend from the Chesapeake and Ohio canal, at or near Cumberland, to the mouth of Savage river, the said company shall have power to insure against losses by *fire or water*,* or other casualties, to receive endowments or depositories of personal or mixed property, in trust, to grant annuities, to contract for reversionary payments, to make all kinds of contracts in which the casualties of life and interest of money are concerned, to acquire and dispose of goods and effects, to provide for the investment of such parts of the funds of the company as they may desire to invest in stock and mortgages in such manner as they may deem most beneficial, and in general to exercise and enjoy such other rights and privileges as are granted by this State to the American Life Insurance and Trust Company, *subject to all the conditions, restrictions, and limitations of the said company*.* but that if the said canal or lock and dam navigation be not completed to the mouth of Savage river within the time prescribed by the tenth section of this act for the completion of the same,

* The 11th section of the Supplement repeals so much as is printed in Italics.

then all the rights, powers, and privileges granted by this section to said company shall wholly cease, and the said company shall not thereafter hold or exercise said rights, powers and privileges, or any of them.

SEC. 13. And be it enacted, That if the Chesapeake and Ohio Canal Company for the purpose of continuing the said canal to the Ohio river, by the route of the Potomac river, shall require the canal or lock and dam navigation of the company as part thereof, at any time within the term of three years after the Chesapeake and Ohio Canal shall have been completed to Cumberland, the said Chesapeake and Ohio Canal Company shall be entitled to and may take possession of the same for said purpose, upon payment or tender to the president and directors of the company incorporated by this act, of the sum expended by it in the construction of its said canal or lock and dam navigation, and their appurtenances, with legal interest thereon, deducting the net profits which may have arisen from tolls or transportation on the same.

SEC. 14. And be it enacted, That the company incorporated by this act may and is hereby empowered to unite with any company chartered by the State of Virginia, with authority to make or construct similar improvements in or along the Potomac, above Cumberland, and that the right to take or unite a canal or canals, or slack-water navigation,

from or to any part of the aforesaid canal or slack-water navigation, in any direction, is hereby reserved to the State of Maryland, and to any company or companies which may be hereafter incorporated for that purpose by the said State; provided, that in taking or uniting such canal or canals, or slack-water navigation, and in using the waters of the canal or slack-water navigation aforesaid, or of the various streams connected therewith, no impediment or injury shall be done to the navigation of the canal or slack-water navigation aforesaid.

SEC. 15. *And be it enacted*, That all such parts of this act, as relate to the establishment, working, or carrying on of mills, mines or manufactories, and all the powers, rights and privileges granted to said company by the twelfth section of this act, may be modified or repealed by the Legislature of this State at any time after thirty years from the passage of this act.

WE hereby certify the foregoing to be a true copy from an original act, entitled "An act to incorporate the Union Company," which passed both branches of the Legislature of Maryland, at December session, eighteen hundred and thirty-five. Given under our hands, at the city of Annapolis, this thirtieth day of March, one thousand eight hundred and thirty-six.

GEORGE G. BREWER,

Clerk House Delegates, Md.

JOS. H. NICHOLSON,

Clerk Senate, Md.

S U P P L E M E N T.

A N A C T,

T O A M E N D A N A C T,

E N T I T L E D

A N A C T

T O I N C O R P O R A T E T H E

U N I O N C O M P A N Y.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That if the said Union Company shall not within two years after the canal or lock and dam navigation authorized to be made by the act of which this is an amendment, shall have been completed from the Chesapeake and Ohio canal to the mouth of Savage river, continue the same up George's creek and Savage and Potomac rivers; or, having commenced the same, shall at any time thereafter suspend the said continuation thereof, on either of the said rivers or George's creek, for the space of one year, then the powers granted to the said company shall not be so construed, as to prevent the Legislature of this State from authorizing any other company to continue the same; and the Legislature reserves the right to

authorize other persons, or companies, to connect other railroads with the canal, or lock and dam and railroads of the said company, subject to such regulations as are provided, in like cases, for uniting with the Baltimore and Ohio Railroad ; and it is expressly understood that, in estimating the tolls on the said canal, or lock and dam navigation, the same rate of toll shall be charged on the boats and vessels, and the cargoes thereof, of the said Union Company as charged on the boats and vessels and cargoes of others ; nor shall the said company charge as tolls on their said canal, or railroad more than is now chargeable on the Chesapeake and Ohio Canal, and Baltimore and Ohio Railroad, respectively.

SEC: 2. *Be it enacted*, That the State hereby reserves to itself the right of, from time to time, regulating the use, by the public, of said company's railways, at such places where a second railway cannot be made, which use the Legislature may prescribe and secure, subject to such tolls as it may fix or provide for having fixed, by such conditions and forfeitures upon said corporation as the Legislature, in that behalf, may direct.

SEC. 3. *And be it enacted*, That the president, directors, and trustees of the said Union Company are hereby authorized and directed to receive such evidence of ownership, and be governed by such rules respecting transfers of stock, bonds, or obligations given for money borrowed, or for money or other pro-

perty contracted for, or received on deposite, or in trust, as are received and adopted, under the authority of the United States, for transferring the funded debt of the United States.

SEC. 4. *And be it enacted,* That the corporate powers of the said Union Company, which are granted in the twelfth section of the act, of which this is an amendment, shall be exercised by a board of trustees and such officers, agencies and branches as they shall establish and locate. The board of trustees shall consist of fifteen persons, who shall annually elect a President from their own body, and shall have power to declare, by a by-law, what number of trustees less than a majority of the whole, shall be a quorum for the transaction of business.

SEC. 5. *And be it enacted,* That the trustees shall severally hold their offices during good behavior, but the Alleghany county court, as a court of equity, shall have power to remove a trustee, on such notice to be heard as they shall deem reasonable, on application, of any person interested, whenever it shall appear that the interests of the public, or of the stock-holders, will be promoted thereby. The board of trustees shall be divided, by lot, into five classes, consisting of three members each, and so arranged that the term of service of one of each said classes shall expire at the end of every two succeeding years, so that three trustees shall be appointed every two years. Every vacancy happening in the board of trustees by

death, resignation, or otherwise, other than the expiration of classes, shall be supplied by the choice of the remaining trustees, and in such cases the votes of a majority of all the trustees, for the time being, shall be requisite to a choice. No person shall be eligible who shall not have been openly nominated, at a meeting of the trustees, at least one month before the day on which the election is held; and no person shall be a trustee who shall not be a stockholder, in his own right, of at least fifty shares of the capital stock of the said company, and the seat of every trustee ceasing to be a stockholder, to that amount, shall be immediately considered and held vacant. When vacancies shall happen by the expiration of classes, the same shall be supplied by elections to be held by the stockholders, as near as may be, in pursuance of the fourth section of the act incorporating the said company.

SEC. 6. *And be it enacted,* That when the capital stock of the said Union Company shall have been subscribed, and one million of dollars thereof paid in, and the said company shall have commenced the construction of the said canal or slack-water navigation, as required by the twelfth section of the act incorporating the same, the board of trustees shall open a subscription for twenty thousand shares, which subscription and the funds accruing therefrom shall be and the same are hereby pledged, reserved, set apart, and constituted a specific, distinct and separate fund, to be

invested by the said trustees in the public securities of this State, or of the United States, or of the other States, in real estate, in the stock of some other incorporated company, or in bonds or notes secured by unincumbered real estate of double the value, in each case, of the sum secured; as a specific security, over and beyond the other funds and property of the said company, for the payment of the bonds and obligations entered into, and liabilities incurred, by the said trustees.

SEC. 7. *And be it enacted*, That it shall be the duty of the said trustees to send annually to the Alleghany county court, as a court of equity, under their seal, a fair statement of their transactions, and the said court shall at all times, whenever the interest of the corporation, or of others, shall require it, order a full and fair investigation into the affairs of the corporation by a proceeding in equity; and if, in the course of such investigation, it be made manifest, that the interests of those concerned require it, it shall be the duty of the said court to demand, from the said company, such security as will save its creditors from loss; and in case of failure to give such security, within a reasonable time, the said court shall demand a surrender of the assets of the said corporation, and their charter shall become forfeited.

SEC. 8. *And be it enacted*, That all the doings of the said directors shall be, at all times, subject to the inspection of such officer, or agent of the State as may

be selected for that purpose, by either branch of the Legislature; and if, at any time, the capital stock and assets of the said corporation shall not be sufficient to pay all the debts incurred by the said trustees, they shall be responsible in the same manner and to the same extent that trustees now are, by law, responsible in law, or equity.

SEC. 9. *And be it enacted*, That the said company shall not issue any bill, or note in the nature, or style of a bank note.

SEC. 10. *And be it enacted*, That on the first day of January, after the board of trustees shall have been organized, and annually thereafter, the said Union Company shall pay to the treasurer of the Western Shore, the sum of twenty cents, on every hundred dollars of the amount authorized to be subscribed, for the said specific trust fund; to be applied by the said treasurer in augmentation of the free school fund, and distributed in the same manner as the similar tax on incorporated banks, in the city of Baltimore, is now distributed; and in case of the failure of the said company, or of the president and trustees thereof, to make such payment for the space of six months, after the same shall have become due and payable, the same shall be levied and collected as other taxes, on personal assets, are levied and collected in this State.

SEC. 11. *And be it enacted*, That so much of the said act, incorporating the said Union Company, as

authorizes said company to insure against losses by fire or water, and so much of the same act as subjects the said company to the conditions, limitations and restrictions, imposed upon the American Life Insurance and Trust Company, and the act supplementary to the said act, are hereby repealed.

SEC. 12. *And be it enacted,* That this act shall have no force, or effect, unless it be accepted by the stockholders representing a majority of the stock of said company; and this act, when so accepted, and the acceptance certified to the Governor and Council, under the seal of said corporation, and signed by the president, shall be taken and held as part of the charter originally granted to said company, and be as binding, and of the same force and effect, as the original charter.



S U P P L E M E N T .

A N A C T ,

S U P P L E M E N T A R Y T O A N A C T ,

E N T I T L E D

A N A C T

T O I N C O R P O R A T E T H E

American Life Insurance and Trust Company.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, it shall and may be lawful for the subscribers to the American Life Insurance and Trust Company, to elect, on the first Monday in June next, and on the same day annually thereafter, eleven persons as trustees, and their power and authority as trustees shall commence from the time of said election.

SEC. 2. *And be it enacted,* That every trustee so appointed be a stockholder to the amount of fifty shares, at least, and that the seat of every trustee who may cease to be a stockholder, to the amount of fifty shares, shall be immediately declared vacant.

SEC. 3. *And be it enacted*, That every vacancy happening in the board of trustees, by death, resignation, disqualification or otherwise, shall be supplied by the stockholders at their next meeting thereafter.

SEC. 4. *And be it enacted*, That the chancellor shall have the like power to remove a trustee, upon the application of a party interested, as a court of equity has in any cases of trustees; and the said trustees shall be subject to the same responsibilities as trustees, appointed by a court of equity, or by act of parties.

SEC. 5. *And be it enacted*, That the stockholders shall appoint annually a president, and the said president and trustees shall exercise all the corporate powers of the said company, under the act to which this is a supplement, and in addition to insurances on lives or property, may accept and execute all such trusts, of every description, as may be committed to them by order of the courts of this State: Provided, that said company shall not be permitted to receive any trusts or endowments, or grant annuities, or contract for reversionary payments, or make any other contracts in which the casualties of life or the interest of money is concerned, until at least two hundred thousand dollars shall be subscribed and actually paid in, of the capital stock of said company, and invested agreeably to the provisions of the sixth section of this supplementary act.

SEC. 6. *And be it enacted*, That the said president

and trustees shall invest their capital, which they are hereby authorized to increase to ten hundred thousand dollars, in public securities, bonds, ground rents, and mortgages upon otherwise unincumbered real estate, and the premiums and profits received by the company, and the money received by them in trust, they shall have a discretionary power to invest in such stocks, real and personal securities, as they may deem safe and proper; but said company shall not hold stock in any one, private, incorporated company beyond twenty thousand dollars.

SEC. 7. *And be it enacted,* That so much of the act to which this is a supplement, as may be inconsistent with the provisions of this act, be and the same is hereby repealed: Provided, that the subscribers under the original act shall accept this act within ninety days, from and after the passage thereof, and endorse upon their proceedings a resolution to that effect, duly verified by the signature of their chairman or president, otherwise this act shall be null and of no effect.

SEC. 8. *And be it enacted,* That this act shall have no force or effect, unless it be accepted by a majority of the stockholders; and this act, when so accepted, shall be taken and held as part of the charter originally granted to said company, and be as binding and of the same force or effect as said original charter.



S U P P L E M E N T.

A N

A D D I T I O N A L S U P P L E M E N T

T O T H E A C T , E N T I T L E D

A N A C T ,

T O I N C O R P O R A T E T H E

American Life Insurance and Trust Company.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That at the next annual meeting of the stockholders of the American Life Insurance and Trust Company, which shall take place after the passage of this act, it shall be lawful for the said stockholders to elect, in the manner prescribed by the act of incorporation of said company and the supplement thereto, a president and twenty-three persons as trustees, instead of a president and eleven persons as trustees, as now authorized by said act and supplement; and the president and trustees so elected shall hold their offices during good behavior, and in cases of vacancies occurring, at any time, by the death, resignation or otherwise of the president, or any

of the trustees, the same shall be filled by election of the stockholders, at a meeting to be called by the trustees for that purpose, upon at least ten days notice, and under the regulations provided, as to elections, by the acts to which this is a supplement: Provided, however, that any president or trustee may at any time, for cause satisfactory to the chancellor or court, be removed upon the application of a majority of stockholders to the chancellor, or to Baltimore county court, sitting as a court of equity; and that any president or trustee be subject also to be removed, in the case and in the manner provided for, in respect to trustees, in the fourth section of the act supplementary to the act to which this is a supplement, passed December session, eighteen hundred and thirty-four, chapter two hundred and sixty-nine; and the powers vested in the chancellor by section seven, of the act of eighteen hundred and thirty-three, chapter two hundred and fifty-six, with reference to the president and directors; shall be construed to apply with full force to the president and trustees authorized by this act.

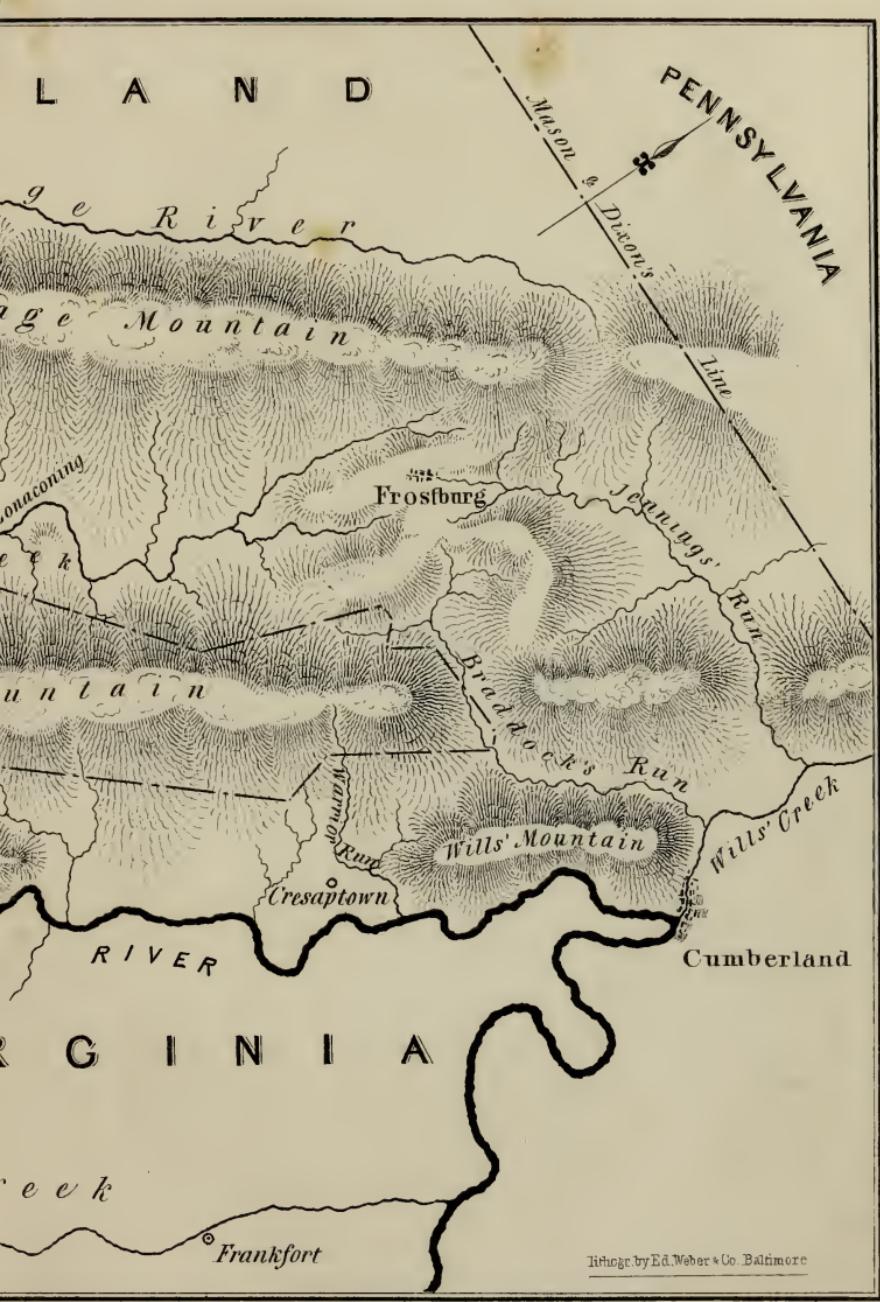
SEC. 2. And be it enacted, That it shall and may be lawful for the president and trustees, with the consent of the stockholders holding a majority of shares, at a general meeting of stockholders to be called for the purpose, of which meeting at least thirty days notice shall be given, in at least two newspapers of the city of Baltimore, to increase their capital to the

amount of fifty dollars, per share, in such instalments, and at such times, as the said president and trustees may deem proper: Provided, that such increase if made, shall be invested in the manner provided for the investment of the trust funds of said company, and that in all cases where money shall be loaned by the said company, on bond or mortgage, or other security, in any State other than the State of Maryland, it shall be lawful for the said company to receive such rate of interest, upon such loans, as is permitted to be received by the laws of such State and no more.

SEC. 3. *And be it enacted,* That on the first Monday of January next, and on the same day annually thereafter, the American Life and Trust Company, or the president and trustees thereof, shall pay or cause to be paid to the treasurer of the Western Shore, the sum of twenty cents, on every hundred dollars, of the present capital of the said company then actually paid in, and the like sum on so much as the said capital may be increased by virtue of this act, to be applied by the said treasurer in augmentation of the free school fund, and distributed in the same manner as the similar tax, on incorporated banks in the city of Baltimore, is now distributed; and in case of the failure of the said company, or of the president and trustees thereof, to make such payment for the space of six months, after the same shall have become due or payable, this charter shall be forfeited and be deemed null and void.

SEC. 4. *And be it enacted*, That so much of the act of Assembly to which this is a supplement, and the supplement thereto, as is inconsistent herewith, be and the same is hereby repealed.

SEC. 5. *And be it enacted*, That this act shall have no effect unless it be accepted by stockholders holding a majority of the shares of the stock, at a general meeting of the stockholders, to be called upon thirty days notice thereof, published at least twice a week in all the daily newspapers of the city of Baltimore, in which notice, the object of such meeting shall be stated, as being the question of the acceptance of this act.



Vertical Section at the Junction of George's Creek & Potomac
The Black Spaces represent Coal and the dotted Spaces represent Iron





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